



**City Council
of the
City of Las Cruces**

Regular Meeting

September 20, 2010

1:00 P.M.

Council Chambers, City Hall

MEMBERS PRESENT:

STAFF:

Mayor Ken Miyagishima
Councillor Miguel Silva, District 1
Councillor Dolores Connor, District 2
Councillor Olga Pedroza, District 3
Councillor Nathan Small, District 4
Councillor Gill Sorg, District 5
Councillor Sharon Thomas, District 6 **by Telephone at 1:28 p.m.**

Terrence Moore, City Manager
Harry (Pete) Connelly, Interim City Attorney
Esther Martinez, City Clerk

I. OPENING CEREMONIES

Mayor Miyagishima called the meeting to order and asked for a moment of silence. Councillor Connor led the Pledge of Allegiance.

Presentation of Certificates of Appreciation/Proclamations.

Mayor Miyagishima and a representative from the Animal Services Center of the Mesilla Valley presented the Pet of the Week.

Mayor Pro-tem Emeritus Dolores Archuleta presented a Medal of Honor to WWII Veteran Charles (Chuck) Miles, US Army.

Mayor Miyagishima introduced and welcomed Mia Onkes, the daughter of Mayor Henning Onkes of our Sister City Nienburg, Germany.

Councillor Connor presented a Proclamation to Brian Denmark, Public Works Director and Mark Johnston, Parks and Recreation Administrator and declared September 26, 2010 as Play Day.

Mayor Miyagishima presented a Proclamation to Sandy Schemnitz and Jim Bates and declared September 25, 2010 as National Hunting and Fishing Day.

Mayor Miyagishima Recognized the Las Cruces Women's Tailgators Softball Team for placing 3rd in the World Hispanic Tournament.

Councillor Connor Moved to Allow Councillor Thomas to attend the meeting via telephone and Councillor Silva Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Allow Councillor Thomas to attend the meeting via telephone and it was Unanimously APPROVED. 7-0

Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in a Closed Session at 8:15 p.m. on September 16, 2010. The following members were in attendance: Mayor Miyagishima, Councillor Silva, Councillor Connor, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas, City Manager Terrence Moore, Assistant City Manager Robert Garza and Interim City Attorney Harry (Pete) Connelly. The meeting adjourned at 9:05 p.m. and only the limited items that were stated in the notice were discussed which was the threatened or pending litigation in Z1SP-1, LLC, ZZZ-1, LLC; Z2SP, LLC; and ZZZ-2, LLC, 786 Corporate 7, inc. d/b/a Motel 6, Telshor, Plaintiffs vs. Sitel Operating Corporation, Alyson Court Apartments, LLP, and the City of Las Cruces, Third Judicial District Court of Dona Ana County Case No. D-307-CV-200801545.

- II. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC SECTION 2-27(E)(2).** *At the opening of each council meeting, the chairperson shall ask if any member of the city council, city manager, or any member of the city staff has any known conflict of interest with any item on the agenda.*

Mayor Miyagishima asked if anyone had any conflicts with anything on the agenda?

None given.

- III. PUBLIC PARTICIPATION**

Latoya Renee Garcia, Member of the Public read a poem to the Council and said I want to say that I am for Option B of the Curbside Recycling Resolution.

Bart Jones, Member of the Public said I am the Vice President of Haven on Earth and I want to say that we agree with having a Curbside Recycling Program in Las Cruces.

Ryan Dailey, Member of the Public said I want to congratulate the City on being able to have two academies; one for the Police Department and one for the Fire Department.

The City Manager will be leaving the City in about 90 days and it states in the City Charter that the Council may form a committee to give advice on the selection of a new City Manager. I think it would be a good idea for the Council to get input from their constituents on the selection of a new City Manager.

There are still billboard signs up from businesses that have gone out of business and I would like to know if there is a Code that prohibits keeping these signs up.

Terrence Moore, City Manager said there is a certain amount of time that they have to remove signs once a business goes out of business. The Codes Department has been directed to work with these individuals and there has been progress made with this issue.

Marlo McCormick, Member of the Public said I am a bike commuter and I was hit by a vehicle which put me in a coma. I feel like my life is in danger when I ride my bike through this town.

Jim Harbison, Member of the Public said I think our Sign Ordinance was put together in haste and is enforced sporadically.

Jacklyn Drummer, Member of the Public said the streets off Bataan Memorial are always filled with old tires and I would like to know why they aren't cleaned up on a daily basis?

Mayor Miyagishima said you can contact me or your Councillor to let us know where the trash is on the road and we can have staff look into it.

IV. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY AN ASTERISK (*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON BY ONE MOTION.

Mayor Miyagishima said Items 1, 4, 7, 9, 10, 11 and 12 need to be removed from the Consent Agenda for discussion.

Councillor Connor Moved to approve the Agenda as Amended and Councillor Silva Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to accept the Agenda as Amended and it was Unanimously APPROVED. 7-0

V. RESOLUTIONS AND/OR ORDINANCES FOR CONSENT AGENDA

- * (2) Resolution No. 11-064: A Resolution Authorizing the City of Las Cruces Police Department to Accept Grant Funds From the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention Programs (OJJDP) in the Amount of \$250,000 for an After School and Truancy Prevention Program (With No Match Required), to Ratify the City Manager's Signature on the Grant Agreement, and to Adjust the FY 2011 Budget.
- * (3) Resolution No. 11-065: A Resolution Approving and Accepting a Grant Agreement Between the City and the State of New Mexico Children, Youth, and Families Department (CYFD) for the Dona Ana County Juvenile Justice Continuum. The Resolution Authorizes the City Manager to Sign the Agreement on the City's Behalf and Further Authorizes the Necessary Sub-Agreements With Outside Partnering Entities of the Continuum For Eligible Grant Activities for FY2011. The Resolution Amends the City's Adopted FY2011 Budget to Reflect Additional Funding to the City's Juvenile Citation Program Due to Additional State Funding.
- * (5) Resolution No. 11-067: A Resolution Authorizing the City of Las Cruces to Accept a Grant Award for Fiscal Year 2010-2011 in the Amount of \$62,965 From the Corporation for National and Community Service and Decrease the State Appropriation of \$15,469 for the Rio Grande Valley Retired and Senior Volunteer Program and to Adjust the Fiscal Year 2010-2011 City Budget.
- * (6) Resolution No. 11-068: A Resolution Authorizing the City of Las Cruces to Accept a Contract in the Amount of \$548,459 From the North Central New Mexico Economic Development District Non-Metro Area Agency on Aging for Fiscal year 2010-2011 to Provide Congregate and Home Delivered Meals, Senior Transportation, Health Promotion, In-Home Respite, Caregiver Support, Grandparents Raising Grandchildren Support Services and to Adjust the Fiscal Year 2010-2011 City Budget.
- * (8) Resolution No. 11-070: A Resolution Approving an Adjustment to the Vehicle Forfeiture Fund Budget for FY 10-11.

VI. RESOLUTIONS AND/OR ORDINANCES FOR DISCUSSION

- ***(1) Resolution No. 11-063:** A Resolution to Apply for Funding From the Bureau of Land Management (BLM) in the Amount of \$200,000 For the Prehistoric Trackways National Monument Exhibit and Curation Development Offering With No Required Match From the City, and Ratify the City Manager's Approval for Submission.

Councillor Small Moved to Adopt Resolution No. 11-063 and Councillor Silva Seconded the motion.

Councillor Connor said on page 11, it states that there is no match for this but in the application, it states that cost sharing is recommended.

Auguie Henry, Grants Administrator said there is no match required; all grants like to see cost sharing or voluntary matching but it is not required. We have already been awarded this grant without the matching requirement.

Councillor Connor said this resolution is to apply for the grant. It doesn't state that we have already been awarded the grant.

Auguie Henry said we often ask for Council to approve the City Manager's ratification for applying for a grant because we have to apply for the grant on time. We will be bringing another resolution before Council to accept this grant funding.

Councillor Connor said I would like to see some kind of notation on these types of resolutions so we know that it has already been applied for and awarded.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-063 and it was Unanimously APPROVED. 7-0

- ***(4) Resolution No. 11-066:** A Resolution Supporting the Boys and Girls Club Capital Campaign Efforts and a Potential Partnership Between the City of Las Cruces and the Boys and Girls Club, to Utilize City-Owned Land to Construct a Boys and Girls Club Facility for Future Shared Use.

Councillor Small Moved to Adopt Resolution No. 11-066 and Councillor Silva Seconded the motion.

Councillor Silva said I have a problem with part of the wording of the title for this resolution that states "a potential partnership"; to me, it should only be that we are going to support the project or not. I do support this project and I think we should do whatever we can to support the Boys and Girls Club.

Mayor Miyagishima said I think they included that wording just in case something is offered to us in the future by the Boys and Girls Club.

Councillor Connor said Item Two of the resolution states that the City of Las Cruces is willing to partner with the Boys and Girls Club in potentially allowing a facility to be constructed on City owned land. When Council heard this presentation, there was a specific piece of land that was discussed but that piece of land isn't mentioned in the resolution which leaves the impression that it could be any piece of land.

Gene Gant, President of the Board of Directors for the Boys and Girls Club said I don't know why that specific piece of land wasn't listed in the resolution but that is the land we were discussing. It is located near Meerscheidt which makes it a great location because it is centrally located and near where many kids usually go.

Brian Denmark, Facilities Director said that language is worded that way because we want to be able to have flexibility. Several properties in the Hadley area were discussed during the presentation and we want to have the flexibility to choose the best location. We would be willing to change the wording to mention property located in the Hadley Complex area if that would be acceptable to Council.

Councillor Connor said I don't have a problem with using property in the Hadley Complex area but just stating "City owned land" is very vague. I would like to amend Item Two to read "property located in the Hadley Complex."

Mayor Miyagishima said this is just a resolution for the intent of the City to work with the Boys and Girls Club. We might have other property that we're not utilizing and that might be a better choice for them.

Councillor Thomas said I recommend that we leave it as it is so it can remain flexible.

Councillor Pedroza said I agree with leaving it flexible.

Councillor Silva said I understand the reasoning for leaving it flexible and I agree with it.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-066 and it was Unanimously APPROVED. 7-0

*(7) Resolution No. 11-069: A Resolution Accepting a Grant From the New Mexico Department of Transportation, Municipal Arterial Program, Fiscal Year 2010/2011 in the Amount of \$228,019.00 For the Reconstruction/Rehabilitation of South Main Street From Alameda Boulevard to Idaho Avenue Project and to Amend the Fiscal Year 2010/2011 Budget. A \$76,006.00 City Match is Required.

Councillor Sorg Moved to Adopt Resolution No. 11-069 and Councillor Pedroza Seconded the motion.

Loretta Reyes, Engineering Services Administrator gave an overhead presentation and said the MAP application to NMDOT was approved by Council in March 2010 and in August, NMDOT awarded the MAP funding to the City. The amount of the NMDOT funding is \$228,016 and the City's match is \$76,006. The City is to provide funding in excess of the NMDOT MAP funding which the actual construction costs are estimated at \$1,460,000 and the City will enter into a MAP Cooperative Agreement with NMDOT.

Councillor Connor asked where are we going to get \$1.1 million to do this project?

Loretta Reyes said we will probably take a look at paring down the project to meet the funding that is available.

Councillor Connor asked how long are we allowed to hold onto those funds?

Loretta Reyes said the agreement would expire on June 30, 2012 so we have a two-year period to use this funding.

Councillor Small said I'm glad to hear that we will work with the funding that we have so we don't lose out on this project and this funding opportunity.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-069 and it was Unanimously APPROVED. 7-0

- * (9) Resolution No. 10-11-360: A Resolution Awarding the Purchase of Police Patrol Carbine-Rifles to Adamson Police Products, Frederick, Co., in the Amount of \$52,518.75.

Councillor Silva Moved to Adopt Resolution No. 10-11-360 and Councillor Small Seconded the motion.

Councillor Connor said I was asked by a citizen, “does the Police Department currently have this type of rifle and is this rifle going to be used for Officers that are going to go through the Academy?”

Chief Williams, LCPD said yes, we currently do have these types of rifles and they will also be used to equip our new Officers that are coming out of the Academy but not every one of our Officers has one of these rifles.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No.10-11-360 and it was Unanimously APPROVED. 7-0

- * (10) Resolution No. 10-11-362: A Resolution Approving the Extension of an Indefinite Cost, Indefinite Quantity Price Agreement for Road Structures and Improvements Pricing Agreement to Sandoval Construction LLC, of Las Cruces, NM for Year Two (2) of a Five (5) Year Term Conditioned Upon Annual Renewals and Pending Approved Budgets.

Councillor Connor Moved to Adopt Resolution No. 10-11-362 and Councillor Sorg Seconded the motion.

Councillor Silva asked is there a limit on the amount of money that we can go into a contract on?

Loretta Reyes, Engineering Services Administrator said the amount that we can contract with them depends upon our budget.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-11-362 and it was

Unanimously APPROVED. 7-0

***(11) Resolution No. 10-11-390:** A Resolution to Award the Purchase of One (1) New Volvo Front End Loader to Sierra Machinery, Inc., of El Paso, Texas, Through the Houston-Galveston Area Council (HGAC) Cooperative Pricing Contract Using Worksheet EM06-09, in the Amount of \$194,923 for Fiscal Year 2011.

Councillor Sorg Moved to Adopt Resolution No. 10-11-390 and Councillor Silva Seconded the motion.

Councillor Silva asked is this for one vehicle and all the accessories?

Don Haskins, Fleet Maintenance Leader said yes, this is for one unit with the needed accessories.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-11-390 and it was Unanimously APPROVED. 7-0

***(12) Resolution No. 10-11-403:** A Resolution Awarding a Contract for the Fiscal Year 2010/2011 Micro-Surfacing Maintenance Project to Ballou Construction Company, Inc. Of Salina, Kansas in the Amount of \$399,277.77 Plus \$30,195.38 for New Mexico Gross Receipts Tax. The City Manager is Authorized to Approve Change Orders in an Amount Not to Exceed \$19,963.89 for a Total Project Authorization in the Amount of \$449,437.04.

Councillor Silva Moved to Adopt Resolution No. 10-11-403 and Councillor Sorg Seconded the motion.

Councillor Silva asked how does someone get something put on this list?

Loretta Reyes, Engineering Services Administrator said there is a group of staff members that looks at the list of pending and potential projects that are brought to our attention by members of the public or Council. Once staff is notified of a street that is in need of repair, someone goes out to that area to determine what type of repair is needed.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 10-11-403 and it was Unanimously APPROVED. 7-0

**(13) BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 11-071;
A PUBLIC HEARING MUST BE HELD.**

Mayor Miyagishima said this item is open for a public hearing; is there anyone who wishes to speak against this item?

None was given. Mayor Miyagishima closed the public hearing.

Resolution No. 11-071: A Resolution Approving the Issuance of a Winegrower Liquor License to St. Clair Winery & Bistro V, LLC, to be Located at 1710 Avenida De Mesilla, Las Cruces, New Mexico.

Councillor Small Moved to Adopt Resolution No. 11-071 and Councillor Connor Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-071 and it was Unanimously APPROVED. 7-0

**(14) BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 11-072;
A PUBLIC HEARING MUST BE HELD.**

Mayor Miyagishima said this item is open for a public hearing; is there anyone who wishes to speak against this item?

None was given. Mayor Miyagishima closed the public hearing.

Resolution No. 11-072: A Resolution Approving the Issuance of a Small Brewer Liquor License to St. Clair Winery & Bistro V, LLC, to be Located at 1710 Avenida De Mesilla, Las Cruces, New Mexico.

Councillor Small Moved to Adopt Resolution No. 11-072 and Councillor Silva Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-072 and it was Unanimously APPROVED. 7-0

(15) Resolution No. 11-073: A Resolution Concerning the Use of Electronic Equipment During Council Meetings.

Councillor Connor Moved to Adopt Resolution No. 11-073 and Councillor Sorg Seconded the motion.

Councillor Connor said this resolution was brought forward to address the electronic distractions for Council during our Council Meetings. This relates to the Open Meetings Act because when a Councillor is Googling, text messaging or emailing, it's not clear and open to the public that, that is being done. Councillors should give their undivided attention to what is being discussed and presented during our meetings and they aren't able to do that if they have these types of electronic distractions. I have disabled my laptop from being able to use any type of email or electronic communication here and I think our laptops should only be used to view our agendas. I would like for Council to give their support in stating that we will give our undivided attention during our meetings.

Mayor Miyagishima said there are times when we will need our laptops to obtain information regarding the issues at hand.

Councillor Connor said but that is where a violation would come into play. If you Google and obtain some information, that means other Councillors don't have the same information.

Mayor Miyagishima said I support what you are trying to do but how can Googling violate the Open Meetings Act?

Councillor Connor said you are looking up information and using that information to help you make a decision.

Harry (Pete) Connelly, Interim City Attorney said when Councillors vote, they are all suppose to have the same information to base their decision on so if one Councillor Googles some information and the other Councillors don't have that same information, then that information could be used to sway the vote.

Councillor Thomas asked what is the difference between us getting more information regarding an item from staff and us Googling it during the meeting?

Harry (Pete) Connelly said the issue is that you are supposed to decide the case on what information has been presented to you. You can ask staff to bring you information for clarification but everyone is supposed to have the same information and use that same information to form a decision.

Councillor Thomas said I frequently ask for information that isn't presented in the packet and try to find more information so I can make an informed decision. I don't want to be prevented in making myself more educated in order to make an informed decision. I wouldn't mind sharing the information I find but I thought I wasn't allowed to share information with other Councillors because that would be considered trying to sway their votes. I think we should do some more investigation in this matter before we pass any type of resolution concerning this issue.

Councillor Small said I agree that we need a lot more information regarding this issue. I would suggest that we schedule the Attorney General to give us training and have a Work Session regarding this issue.

Councillor Connor said the Attorney General has given four trainings in this area in the past three years and they are usually scheduled annually around the State.

Councillor Small said I think it would be better to have them speak with us as a Council so we can address our issues.

Councillor Connor said I understand that but I'm just saying that the Open Meetings Act is written in a specific way and it was written before electronic devices were in place. Just because those devices are now available, doesn't mean you can go outside the Open Meetings Act rules. I want to be open to the public and I am not going to text, email or do Google research on the internet, during our meetings and it is up to this Council to decide what they are going to do.

Councillor Thomas said I have been to several of the Open Meetings Act classes and they don't really address this issue. Since it was written prior to the availability of these types of devices, it will probably be revisited and revised to address those issue at some point in time. I think this issue needs a lot more research and clarification and we need to check to see if there are any movements toward revisiting the Open Meetings Act.

Councillor Pedroza said I don't think this resolution has much clarity to it. I consider it my responsibility to get informed about the issues that are before me. I think making a distinction between getting the information prior to the meeting or during the meeting is a very complex issue and it needs to be clarified before I can agree to a resolution. I agree that everyone should pay attention during the meeting but I don't think it implicates the Open Meetings Act to Google during a meeting. I think this resolution is saying that I can't get informed on issues that I am going to have

to decide on; so, I don't think this issue can be decided on today. There are also issues with how this can be enforced.

Councillor Silva said I support this type of resolution and I think we need to have something of this nature in place. I think we need to have a stronger email policy that would include provisions for not allowing our emails to automatically be deleted after three months. I don't think we want to create something that would limit ourselves on the uses of our technology. I would agree with having someone like the Attorney General come in and speak with us regarding these issues. We could also have the Mayor to start asking us prior to our voting on an item, "have we obtained any outside information regarding the issue?"

Councillor Sorg said I usually gather information prior to our meetings and I do sometimes share important information that I have collected; so, I don't see the difference in gathering information prior or during the meetings. I did attend one of the Open Meetings Act classes and they never mentioned anything about electronic devices. This is an important issue and I think we need to do more research on it before deciding how much or how little of our electronic devices we can use. I don't like using cell phones or emails but I do think we should be able to use the internet.

Mayor Miyagishima said it seems that the main concern of Council is the ability to use the internet to gather information. I think if we change the wording in the first part of this resolution, to include the wording "to not use cell phones for the use of texting or emailing," then it would be okay.

Councillor Connor said I don't see why this is such a big problem and why we are reluctant to tell the public that we aren't going to do anything except City business during our meetings. If you are going to make some kind of change to the wording then we would need to include using cell phones for games and cameras. The public can't understand why the same questions are being asked twice and I just want to tell them that we are going to give our meetings our full attention and only do City business. A good example is that you can't call into the meeting and ask a question, the Open Meetings Act doesn't allow it; so, why are we allowing an email to come in and then ask the question during the meeting? It's not allowed by phone so an email shouldn't be allowed.

Mayor Miyagishima said I do think we need something in place to let the public know that we are being as transparent as possible; so, we can include not using cell phones for texting, emailing and games during the meetings and I think that would accomplish everything that is trying to be done with this resolution.

Councillor Connor said it's not the intent of this resolution to have Council make uninformed decisions, the intent is to stop texting, emailing and playing around on the computer.

Councillor Thomas said this is one of the reasons that I find being a Councillor can be frustrating; we are expected to make a decision on this and this is the first time we've talked about it. I think we need to get more information and have a Work Session regarding this issue.

Mayor Miyagishima asked would you support this if we changed the wording to include texting and emailing from our cell phones?

Councillor Thomas said I don't have enough information to make an informed decision so I would not support this resolution.

Councillor Silva said I do support something of this nature but it is hard to move forward without some more information regarding this issue. I would like to put a resolution together that can be used as a model for other cities.

Mayor Miyagishima said this isn't a complicated resolution. It's only one page and it basically states that we are not going to text or email during our meetings and we will be transparent to the public.

Councillor Silva said I'm offended by the message that this sends, that we are distracted during our meetings.

Councillor Connor said this was written by the top attorney with the Municipal League and he deals with the Open Meetings Act every day.

Councillor Pedroza said this isn't a simple issue and making a few word changes isn't going to be enough to clarify it.

Councillor Thomas said it is obvious that the Open Meetings Act needs to be updated to address these types of situations. This is a good idea but we need to have more discussions on it and try to come up with a resolution that is clear and addresses all of our issues.

Win Jacobs, Member of the Public said it seems to me that you are missing the point. I don't find it unreasonable to expect that the Councillors would do their homework before the meetings and if they find some more information on a topic, then they can send it to the City Manager and ask him to distribute it to the rest of the Council.

Councillor Thomas said sometimes there is something mentioned during a meeting and I need to look it up to check if that information is correct or find out more about it. We can't do everything in advance because we can't predict what we will need more information on during our meetings.

Mayor Miyagishima said all we are trying to stop is texting, emailing and playing games during our meetings; not looking up information.

Councillor Thomas said I'm still not comfortable with doing that until I get more information on those issues.

Russ Warner, Member of the Public said the two things that the Open Meetings Act doesn't cover is integrity and credibility. It is amazing that everyone on this Council, except Councillor Connor,

finds it necessary to Google in order to get information that might help you make a decision. I have attended meetings and have understood everything that the presenters have said and then a Councillor will ask a question that makes it very obvious that they were not paying attention and now I know why; they were too busy texting, emailing and Googling instead of paying attention.

Councillor Thomas said I know I have integrity and credibility and I don't think Mr. Warner understands communication and that a lot of the time, the presenters aren't giving us enough information in order for us to make an informed decision. I won't accept being criticized when I know I'm doing my job.

Ron Camunez, Member of the Public said Council works for us and when I hire an employee, I ask them not to text and waste time on company time. When you are here, you are here to do the public's business and we are your boss. Google is not a reliable source to obtain information from because you can get several different opinions.

Councillor Thomas said I have done several work shops on the reliability of the information that you get off of the internet and it is easy to determine if the information you are Googling is reliable or not. I resent being accused of texting during meetings because I have never done it. We need to write a resolution that states that we will not engage in electronic activities that might result in anything that is illegal according to the Open Meetings Act.

Jim Harbison, Member of the Public said as a Citizen, I am offended too, by the comments that I have heard today. This is a straightforward resolution that insures the integrity and credibility of this Council and the response from the Council as being so offended, shows something is wrong. If Councillor Thomas is teaching workshops on Googling then I would suggest that she teach one to this Council because last week, a Councillor used Google information during a meeting and it was absolutely wrong and outdated. Some of the Councillors have had constituents email them during the meeting to ask questions and it isn't right because I don't have the right to call into a meeting to ask a question so I shouldn't be allowed to email into the meeting, either. This isn't complicated and I would encourage you to support it.

Steven Jones, Member of the Public said I am a librarian and one of my job duties is to do electronic research online and I suggest that you table this resolution to give you some more time to clarify it.

Councillor Silva said I just want to say that I don't think this can be amended and worked out, today.

Harry (Pete) Connelly said the end result and the thing that is going to be binding to Council is that "I resolve that" which is number one of the resolution.

Councillor Silva said I would like to move that we table this item for at least one meeting because it doesn't address the rolling quorum part and I think that is one of the most important issues.

Councillor Pedroza said I will second his motion.

Mayor Miyagishima said wait a minute; I haven't recognized you. I was going to ask Councillor Connor to make an amendment and I would second it. We can just state that we won't text, email or play electronic games.

Councillor Silva said I think you will have to add laptop computers.

Mayor Miyagishima said it would be hard to email without your laptop.

Councillor Connor said Article One would read that the City Council members would refrain from the use of cellular phones, telephones and other electronic equipment during a meeting of the City Council, to not text, email or play electronic games while the meeting is in progress. We can also add that we are not engaging in any illegal activities.

Mayor Miyagishima said I don't think we need to add the illegal activities portion.

Councillor Connor Moved to Amend Resolution No. 11-073 to have item one state that the City Council members would refrain from the use of cellular phones, telephones and other electronic equipment, to include but not limited to texting, emailing or play electronic games while the meeting is in progress and Mayor Miyagishima Seconded the motion.

Councillor Small asked was the researching of information addressed with this amendment? The portion that states "not limited to" can include Googling.

Esther Martinez, City Clerk said the amendment is as it was read and we cannot discuss adding any other wording until this amendment is voted on.

Mayor Miyagishima said Councillor Connor can change her amendment to remove the wording "not limited to" and I'll second it, again.

Councillor Connor said sure, we can include that research regarding the meeting is allowed.

Esther Martinez said to avoid confusion, we can take a vote on the amendment that we have on the table now and then we can make another amendment with the different wording or you can withdraw this amendment and make another one.

Mayor Miyagishima said that is what Councillor Connor was going to do; remove this one and make another one.

Councillor Connor said sure.

Councillor Connor Moved to Amend Resolution No. 11-073 to have Item One state that the City Council members would refrain from the use of cellular phones and other electronic equipment during a City Council meeting, prohibiting texting, emailing and electronic games while the meeting is in progress and Mayor Miyagishima Seconded the motion.

Councillor Pedroza said this is very broadly worded and prohibits communication with everyone, not just members of the Council.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 11-073 to have Item One state that the City Council members would refrain from the use of cellular phones and other electronic equipment during a City Council Meeting, prohibiting texting, emailing and electronic games while the meeting is in progress and it was APPROVED. 4-3 Councillor Silva, Councillor Connor, Councillor Small and Mayor Miyagishima voted Aye. Councillor Pedroza, Councillor Sorg and Councillor Thomas voted Nay.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-073 as Amended and it was APPROVED. 4-3 Councillor Silva, Councillor Connor, Councillor Small and Mayor Miyagishima voted Aye. Councillor Pedroza, Councillor Sorg and Councillor Thomas voted Nay.

Councillor Connor said I would like to ask that our City Manager forwards this final resolution to the Attorney General's Office.

Terrence Moore, City Manager said we'll make those arrangements starting tomorrow.

Councillor Silva said I would like to suggest that we try to schedule a work shop with the Attorney General and have him come in and address this specific item.

Mayor Miyagishima said okay.

Councillor Connor Moved for a Five Minute Recess and Councillor Sorg Seconded the motion.

Mayor Miyagishima called for the roll on the Motion for a Five Minute Recess and it was Unanimously APPROVED. 7-0

Meeting Reconvened at approximately 4:24 p.m.

(16) Resolution No. 11-074: A Resolution Authorizing City of Las Cruces Membership to Climate Communities and Payment of Dues in the Amount of \$1,125.00.

Councillor Connor Moved to Adopt Resolution No. 11-074 and Councillor Silva Seconded the motion.

Terrence Moore, City Manager said this is pretty straight forward and an update was provided to you in the information letter.

Councillor Silva said I have attended their Annual Conference for two years and they are a very good organization. This group lobbies for future funding for communities and they do this as our Legislators are actually doing the Legislation.

Councillor Sorg said I am strongly in favor of become a member of this organization.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-074 and it was Unanimously APPROVED. 7-0

(17) Resolution No. 11-075: A Resolution Approving a Budget Adjustment to the FY 2011 Court Awarded Seizure Fund.

Councillor Small Moved to Adopt Resolution No. 11-075 and Councillor Sorg Seconded the motion.

Chief Williams, LCPD gave an overhead presentation and said this is to allow us to move \$50,000 in funding from our Seizure Fund to allow us to repair and upgrade our existing facility. Our facility was built in 1990 and is 31,780 sqft. The current replacement value is \$4,964,359 and there have been no major renovations done to this facility in over twenty years. This facility has several areas that need to be repaired which includes interior and exterior painting, the hallway skylight leaks when it rains and needs to be repaired, the front fence needs to be repaired or replaced and there are several other areas within the facility that need repairs.

Councillor Pedroza said I have seen this facility and these pictures are not an exaggeration of the repairs that are needed for this facility.

Councillor Thomas said I agree that this facility is in desperate need of repairs and upgrades and I'm glad the Chief was able to find a source for this funding.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-075 and it was Unanimously APPROVED. 7-0

(18) Resolution No. 11-076: A Resolution Approving a Memorandum of Understanding By and Between the City of Las Cruces and the Amador Hotel Foundation, Inc. For the Use of the Amador Hotel Building.

Councillor Small Moved to Adopt Resolution No. 11-076 and Councillor Sorg Seconded the motion.

Lori Grumet, Public Services Director gave an overhead presentation and said this Memorandum of Understanding will allow the use of the property by the Foundation for a term of five years. It sets the threshold for fees to cover the City's cost related to the use of the building and is defines the use as for events and meeting services for the community.

Councillor Silva asked what is the difference between numbers three and seven, regarding the maintenance of the building?

Lori Grumet said we are trying to say that the facility maintenance items, such as the roof, the HVAC, broken windows, those types of things are the City's responsibility and the other maintenance items, such as custodial services for events, sound system changes, lighting changes, those types of things are the Foundation's responsibility.

Councillor Silva said the MOU doesn't mention anything about us utilizing the facility.

Lori Grumet said the building expenses are still under the City and since we are not turning it over to the Foundation; there is a clause that gives the City the ability to go in and use the building with the same kind of notification that we are requiring for the Foundation to give us.

Councillor Connor said this is a great opportunity to put this building back into use. Who is the City liaison?

Lori Grumet said I am.

Mayor Miyagishima said I am glad to see this building back into use.

Councillor Small said the MOU does leave room for flexibility but it also has a very clear structure on the accountability.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-076 and it was Unanimously APPROVED. 7-0

- (19) Resolution No. 11-077: A Resolution Restricting the Use of Municipal Funds to Purchase Bottled Water and to Promote the City of Las Cruces Municipal Drinking Water.

Councillor Small Moved to Adopt Resolution No. 11-077 and Councillor Sorg Seconded the motion.

Christine Chavez, Water Conservation Coordinator gave an overhead presentation and said this resolution would restrict the use of municipal funds to purchase bottled water for City events, meetings and use within City facilities. The exceptions for this restriction are when there is no other alternative available or practical, to address health requirements and emergencies and when such water is needed for water quality analysis. When these exceptions occur, the City of Las Cruces municipal drinking water will be bottled and distributed for these purposes and be provided for by the City of Las Cruces Utilities Department.

Mayor Miyagishima said I'm glad to see that we included those exceptions.

Councillor Thomas said I would like for Robert Garza to speak about what we did for the National Night Out Event.

Robert Garza, Assistant City Manager said our Fire Department brought in large jugs that were filled with ice and water and we supplied disposal small paper cups. This worked very well and we had a very successful event.

Councillor Sorg said I think this is an excellent resolution and it shows how we can utilize and promote the City's water.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-077 and it was Unanimously APPROVED. 7-0

(20) Resolution No. 11-078: A Resolution Recommending That the South Central Solid Waste Authority Board Approve a Surcharge for Curbside Recycling for City Residential Solid Waste Customers.

Councillor Small Moved to Adopt Resolution No. 11-078 and Councillor Sorg Seconded the motion.

Mayor Miyagishima asked can you explain to the public, why the City isn't doing this?

Patrick Peck, Director of the South Central Solid Waste Authority said we were created because of the Subtitle D Landfill Regulations that went into effect and the City and County decided to go in together and build one regional landfill. We don't take any funds from the General Fund; we work off of the fees that we charge our customers, of which, the City of Las Cruces is our largest customer. In 2008, I was asked to start doing research on recycling and I then created a group called "Scrap" and we defined our focus regarding recycling. We had concluded that we needed to begin some kind of Curbside Program and we presented a resolution to the Solid Waste Authority Board that asked for a surcharge to be charged so we could provide Curbside Recycling to the City of Las Cruces. The Board asked us to get public input from the City since this would only affect the residents within the City limits, which is why we are here today. We did hold a public meeting on September 1st and there were about 70 people who attended it and about 18 people spoke at that meeting. We asked everyone to give their opinions to their Councillor because the Board is asking for your recommendation. The Solid Waste Authority Board is meeting in a Special Session tomorrow morning to take your recommendation into consideration and then it will go before the Utility Board on Thursday, at which time, they will either approve or deny the surcharge. We are not trying to regulate participation but we are trying to open it up to the largest amount of materials that we can, for the lowest possible price.

Mayor Miyagishima said we did have discussions regarding Curbside Recycling about four years ago and the difference from those discussions and today's discussions is the price. Four years ago, the rate discussed was \$5.15 per month for weekly service and now, we were able to find a company that could provide this service for \$2.59 per month for bi-weekly service. We know it takes longer than one week to fill up a container but the longest we could go was two weeks.

Councillor Connor asked will the containers at the commercial businesses be removed?

Patrick Peck said no, that is a different program.

Councillor Connor said I just want to mention that there were a low number of residents that attended the recycling discussions during the several recent district meetings. Has the contract been finalized yet?

Patrick Peck said yes, and I do have a copy of the final contract.

Councillor Connor said I was told that the Senior Citizens will have to come in and show their ID before they will receive the lower rate and we have about 260-265 Senior accounts on file; currently.

Klaus Kemmer, Solid Waste Administrator said currently, we have about 6,000 Senior customers that are receiving our Senior rate. We are sending out letters to clarify the requirements for qualifying for our Senior rates.

Councillor Pedroza said I have received a lot of emails regarding this issue and the majority of them are in favor of Curbside Recycling and for Option Two of this resolution. Will there be fines for people who are in non-compliance?

Patrick Peck said no.

Councillor Pedroza asked why was this done across the board; why were people not given the choice to participate or not?

Patrick Peck said that is purely due to economics. This is a volume based business and recycling is a part of that business so in order to get the lowest possible price, we had to have everyone.

Councillor Sorg said I received a lot of emails regarding this issue and the majority of them were in favor of it. I think we do need to educate everyone on how to recycle and to use this program.

Patrick Peck said there is a five year education component included in this program.

Dan Jett, Member of the Public said this resolution is a violation of the Home Rule Charter for the City of Las Cruces because Council is giving legislative controls to the Utility Board for the approval of this surcharge.

Mayor Miyagishima said it's not a violation because we have Joint Powers Agreements in place with several entities, including the South Central Solid Waste Authority.

Richard King, Member of the Public said I live in District 6 and I would like to recommend that you include an option three to this resolution which would substitute the increase in rates with increasing recycling bins around town. I'm not opposed to recycling but I am opposed to increasing our rates.

Bill Meerbott, Member of the Public asked is glass or glass bottles recyclable with this program? Currently, I take all of our glass to Target and they take it to Arizona for recycling.

Mayor Miyagishima said the two items that won't be recycled are glass and styrofoam.

English Byrd, Member of the Public said I am the Executive Director of the New Mexico Recycling Coalition and I would encourage you to pass this resolution for Curbside Recycling.

Chuck Tyler, Member of the Public said I am the Director for "Operation Free" which is a group of Veterans and security organizations that are for supplying America with clean energy and sustainability initiatives like the one before you, today. Recycling is one of the ways that we have to reduce the things that are causing our climate changes.

Terri McBrayer, Member of the Public said we need to make the decision to not continue to pollute our beautiful land and people want Curbside Recycling for their families and their future. We encourage you to move forward with this plan and approve this resolution.

Al McBrayer, Member of the Public said I urge you to pass this initiative and give this City Curbside Recycling.

Ryan Dailey, Member of the Public said I am for this Curbside Recycling Program and the majority of the people that have talked with the Mayor and some of the Councillors are also in favor of it. I think this Council should approve this program.

Ron Camunez, Member of the Public said I resent the fact that this is being crammed down my throat. People should have the option to opt out of this program.

Randy Harris, Member of the Public said part of the responsibility of the Government is to set an excellent example of leadership and approving Curbside Recycling would be an excellent example of an ethical choice.

Councillor Thomas said recycling is a safety issue and it is the responsibility of the Government to make sure the public is safe.

Councillor Connor said I am the minority on this Council and I have a problem with this resolution. It basically states that recycling is voluntary so if you just want to put the bin behind your house and forget about it, you can, but it is required that you get billed \$2.59 every month for that service. I do support recycling and I do recycle but it would take me about three months to fill up one of those containers. I understand that a decision has to be made because the contract has to be signed by tomorrow; correct?

Patrick Peck said we have had the proposals since March and we have to have a decision by October 1st so we can get the program initiated right after the first of the year.

Councillor Connor said I think the public discussions started a little late in this process. We had a quarter percent raise in our GRT by this Legislature which went into effect on July 1st, then there is going to be a \$19.00 per \$100,000 minimum increase in property taxes which will go into effect on January 1st and we are increasing our water and wastewater which should go into effect on October 1st. I went through a whole neighborhood and spoke with the residents regarding Curbside Recycling and the majority of them stated that it would take them months to fill up one of those containers. We need to consider if we really want a third truck going up our streets twice a month; we have the garbage truck, the grapppler truck and now the recycling truck.

Councillor Sorg asked how long will this last?

Patrick Peck said the contract is for five years.

Councillor Small said there has been an evolution in the need for a recycling service and this is a continuation in moving forward with it. This is similar to the grapppler service because there slowly became a need for that service and everyone pays for it whether they use it or not. I do agree with selecting Option Two and moving forward with this resolution.

Councillor Silva said I think that once this is in place then the participation in recycling will increase. I would like to see us move toward reducing the grapppler service to once a month and using that to hopefully reduce the cost to our customers.

Councillor Silva Moved to Amend Resolution No. 11-078 to select Option Two and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 11-078 to select Option Two and it was APPROVED. 6-1 Councillor Silva, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Connor voted Nay.

Mayor Miyagishima called for the roll on the Motion to Adopt Resolution No. 11-078 as Amended and it was APPROVED. 6-1 Councillor Silva, Councillor Pedroza, Councillor Small, Councillor Sorg, Councillor Thomas and Mayor Miyagishima voted Aye. Councillor Connor voted Nay.

VII. BOARD APPOINTMENTS

Mayor Miyagishima appointed John C. Muir III to the At-Large Position of the Veteran's Advisory Board and Will Mathews to the Airport Advisory Board.

Councillor Sorg Moved to Approve the Mayor's Board Appointments of John C. Muir III to the At-Large Position of the Veteran's Advisory Board and Will Mathews to the Airport Advisory Board and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's Board Appointments of John C. Muir III to the At-Large Position of the Veteran's Advisory Board and Will Mathews to the Airport Advisory Board and it was Unanimously APPROVED. 7-0

VIII. REVIEW OF PROPOSED ORDINANCE(S)

- (21) Council Bill No. 11-011; Ordinance No. 2591: An Ordinance Approving a Zone Change from C-2 (Commercial Medium Intensity) to C-3C (Commercial High Intensity-Conditional) for Four (4) Distinct Properties Located at 1402, 1440, 1480 W. Picacho Avenue & 907 N. Valley Drive. The Four (4) Properties Have a Combined Area of 2.84 +/- Acres and Will Be Replatted into One (1) Parcel That Will Be Developed to Facilitate the Use of a Farming Supply Store. The Zone Change Request Will Facilitate Zoning Compliance for the New Parcel with the 2001 Zoning Code, as Amended. Submitted by Sean P. McMullan on Behalf of John & Elizabeth W. McMullan, Tr Et Al, Property Owners (Z2815).

Mayor Miyagishima and Council agreed to bring this item back.

- (22) Council Bill No. 11-012; Ordinance No. 2592: An Ordinance Repealing and Replacing Chapter 13, Housing, of the Las Cruces Municipal Code, 1997, as Amended and Adding a New Subdivision to the New Article II Whereby Creating the Affordable Housing Land Bank and Trust Fund Ordinance.

Mayor Miyagishima and Council agreed to bring this item back.

- (23) Council Bill No. 11-013; Ordinance No. 2593: An Ordinance Enacting a New Subdivision X of Division 3 (Nonstandard Boards) of Article IV (Boards, Commissions, and Committees) of Chapter 2 (Administration) of the Las Cruces Municipal Code, 1997, as Amended, Whereby Creating the Affordable Housing Land Bank and Trust Fund Advisory Committee. The Ordinance Also Amends Section 2-188 (A) (5) of the Las Cruces Municipal Code to Allow for Members of City Boards, Commissions, and Committees to Serve on More Than One Board, Commission, or Committee as Authorized Within the Board's Establishing Ordinance.

Mayor Miyagishima and Council agreed to bring this item back.

IX. STATUS/UPDATES ON CURRENT PROJECT LIST

1. **Strategic Plan** - *(Implementation documents being prepared, finalizing plan for council review and consideration.)*
2. **Las Cruces Convention Center** – *(Building exterior near complete with windows being installed with most efforts towards interior construction at this time. Site work continues as well with sidewalks poured and curbing being installed to accommodate parking lot construction. This project is still on schedule with completion expected by fall 2010.)*
3. **Downtown Main Street Construction** - *(Utility and storm drain construction underway. Las Cruces Avenue currently has one lane open for west bound traffic to proceed from Church to Water Street. Traffic can also gain access to Main Street from Las Cruces to Griggs. North end of Main Street is open to one lane north, south and around from Church to Water with a road closure of Lucero Avenue. Access to all businesses in the area is available.)*
4. **Impact Fees** – *(The project is on-going. The Consultant has made revisions to the Land Use Assumptions. Staff is in the process of reviewing a draft and will work with the consultant to finalize the draft document. It is anticipated that a final draft will be available by the end of August.)*
5. **Vision 2040** – *(The Vision 2040 Advisory Committee, consisting of various stakeholders throughout Doña Ana County, has resumed review of the Vision 2040 Regional Plan. Stakeholders have formed subcommittees and a seven member Steering Committee to review*

- and make recommendations on this plan. In June 2010, they have begun the process of reviewing sections of a working draft of the plan. This process is estimated to take until late Fall 2010. Regular updates will be given to the elected and appointed bodies. Meeting dates, draft documents, and related information on Vision 2040 are available online at <http://vision2040.las-cruces.org>.)*
6. **Las Cruces Intermodal Facility** - *(The consultant design team has begun the project with a kick off meeting with City staff to determine expectations and goals to complete the project. Preliminary research and data collection is underway.)*
 7. **Bicycle Facilities Planning** - *(Staff is preparing the application for Bicycle Friendly Community with the assistance from the Bicycle Friendly Community Task Force. Staff is working with the Engineering Work Group of the Task Force to identify roadways where bicycle facilities can be added as resurfacing projects are completed. The road diet on Solano will be continued from Missouri to University during early fall. New bike lanes will also be added on Three Crosses (Spitz to Dona Ana Rd.) and Spruce (Solano to Triviz). Motel Blvd will receive shared use lanes between the concrete section and Picacho. There are 4 new League Cycling Instructors in the Las Cruces area, bringing the total number of instructors to 13. The new instructors include three City employees: Caeri Thomas, Naoma Staley, and Andy Hume.)*
 8. **EPA Smart Growth Implementation Assistance Program (SGIA)** - *(September 3, 2010: **Picturing el Paseo: Share Your vision for the Corridor** Community awareness continues to grow about the City's Smart Growth Implementation Assistance planning project with the EPA, DOT and HUD. The project's website www.picturingelpaseo.org has photo sharing capacity, a survey requesting people's ideas for the corridor, and a wealth of information on the workgroups and upcoming events. The **Green infrastructure Conference** was a resounding success; proceedings will be produced and available this fall. Staff will be at Munson Senior Center every Wednesday in September from 11am-1pm to record the stories and visions people have of El Paseo past, present and future. Together with our federal partners, staff is producing a number of events this fall: a 3-day **Visioning Workshop #1** September 30th through October 2nd, a technical **Road Safety Audit** October 26 & 27, and the second **Visioning Workshop** November 18-20. Regular conference calls with the federal partners occur on Tuesday from 1:30-2:30 PM in Room 1158, City Hall, 700 Main Street.)*
 9. **New City Web Site** - *(The new web site will go live for City staff in October, with public unveiling in November. Content from the current web site is being migrated to the new site. Additional effort has been required in updating content, unifying design, and content presentation methodologies. Departmental stakeholders, who will be responsible for authoring content once the site goes live, have been involved in stakeholder meetings, feedback, and content migration. The new site will support greater citizen engagement by providing citizens the ability to receive information via RSS feeds, newsletters, and alerts, as well as providing new content and capabilities. Departmental content authors and Directors will be trained in use of the content management system, authoring standards (including ADA, Section 508, and applicable law.)*

10. **Downtown Revitalization Activities** - (*Construction of La Placita has started and will be completed by October 31, 2010. Community Development staff are in the process of forming a Downtown Revitalization Plan Ad Hoc Committee.*)
11. **Grants/ARRA Status** - (Matrix.)

Councillor Sorg said number four states that a final draft will be available by the end of August and I still haven't seen it.

Loretta Reyes, Engineering Services Administrator said I believe that a copy of the final draft was distributed to the Council prior to the September 16th CIAC meeting. It was sent out by email.

Councillor Sorg said I will check my email. I would like to know how someone can put a new item on this list?

Terrence Moore, City Manager said it's a matter of making an announcement during the Council meeting.

Councillor Sorg said I would like to add updates regarding the Sage Café to this list.

Terrence Moore said we will add that item.

Councillor Silva said regarding the Downtown Main Construction, one of the businesses in that area has complained that they are getting black water through their faucets and I would appreciate it if staff would contact her to check on that issue.

Mayor Miyagishima asked was it black or brown water?

Councillor Silva said I guess it was brown.

Are we going to have a work shop regarding the Bicycle Facility Planning? If not, maybe we can pull in the Bicycle Community Task Force to give us an update on their status?

Mayor Miyagishima said just let me know what Council Meeting they can attend. We can even make it a Work Session.

Councillor Silva asked how are the discussions going regarding the El Paseo Project?

Councillor Thomas said the cameras that were donated were given to some students in a photography class that are working with us on this project.

Councillor Silva said I just want to mention that we had our first Downtown Revitalization Meeting and it went really well.

X. GENERAL DISCUSSION

1. MAYOR

Mayor Miyagishima said I received an email from a constituent that stated there was a lot of trash in our ballfield parking lots. There is a \$300 fine for littering and I would like to see the total amount of tickets that have been given for littering and for parking illegally in handicap parking spaces.

2. CITY COUNCIL

Councillor Thomas said today, I am meeting with some people from Transportation America in D.C. and they are really interested in all the work we are doing on El Paseo.

I want to say that I would be happy to do a Google Work Shop for Council or I can work with them individually.

Councillor Sorg said there will be a Community Casework Resource Fair on September 21st at the Meerscheidt Recreation Center between 8:30 a.m. - 12:30 p.m.

I was approached by a constituent regarding vehicle forfeiture in DWI cases; when they are found innocent, they have to pay to get their vehicles out of impoundment and I don't think it is right that they have to pay when they haven't broken any laws.

How is the "Art in City Hall" thing, coming along?

Brian Denmark, Facilities Director said there was public notice to solicit interest in the development of a policy to come before City Council and it is my understanding that the committees have met and are working on the draft policy. We should have something to bring to Council relatively soon.

Councillor Sorg said myself and Commissioner Krahlung will be hosting an East Mesa Town Hall Meeting for any questions the public might have regarding issues with the East Mesa.

Councillor Small asked where are we in updating our old policy regarding sponsorship funds?

Brian Denmark said that policy currently states that funds collected from advisement at our ballfields, goes to High School Booster Clubs instead of the City and we do want to bring a revision of that policy to Council but due to our current work load, we haven't been able to get to it.

Councillor Small said I understand the increase of your work load but hopefully, that can be expedited.

I would like to get an update on the Armijo House Project.

Robert Garza, Assistant City Manager said at this time, there hasn't been any additional progress made on that project but I did make myself a note to check on it.

Mayor Miyagishima said I heard that the Chamber of Commerce was trying to buy it and renovate it for their future offices which I think would be great.

Councillor Small said there is a very nice mural that is being done on the handball courts on Picacho and it is being done by the kids who are in the Juvenile Citation Program.

Councillor Pedroza said I would like to thank everyone in all the departments that I have visited for helping me understand their function in the City.

I want to mention that I had solar panels installed on my home so if anybody would to take a tour and visit, just let me know.

I would like to get input from anyone who can give us some ideas on how to proceed with being able to provide adult daycare services.

I would like to recommend that we have a Special Joint Work Session because there are many people within our community who have asked that they have another opportunity to address the City and the County regarding their views on our immigration issues.

Councillor Connor passed.

Councillor Silva asked I would like to know where the money comes from to payoff some of our lawsuits?

Terrence Moore said we do have a specific budget line within our Legal Services budget to finance those services and Council receives monthly reports that include those expenses.

Councillor Silva said we need to pray for Representative Mary Jane Garcia because she recently broke her leg during a purse snatching incident.

I would like to thank staff for the sound improvements that were done to Chambers. It has made a drastic improvement on the sound quality in here.

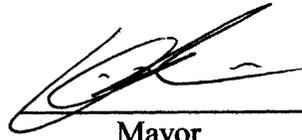
I would like to thank the Bulletin for their advisement to let the public know that businesses are still open in the area of the Downtown Revitalization construction.

3. **CITY MANAGER**

- A. Reconsideration of Bill Payment Services at El Paso Electric.
- B. Strategic Plan Updated on Internet.
- C. Update of JSS Study Regarding Police Department Operations.
- D. Other Items - Information Only.

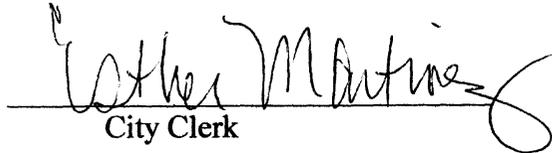
Terrence Moore, City Manager said these items will be moved to the October 4th meeting.

Meeting Adjourned at 6:55 p.m.



Mayor

ATTEST:



City Clerk

(SEAL)